

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:23-cv-00431-MMD-CSD

4 **Order**

5 Re: ECF Nos. 1, 1-1, 3

6 NAPOLEON HOLYFIELD,
7 SHANTA TOWNSELL,
8 OLIVER NORWOOD,

9 Plaintiffs

10 v.

11 RAYMOND GONZAEZ, et al.,

12 Defendants

13 On August 30, 2023, an application to proceed *in forma pauperis* (IFP) was filed along
14 with a pro se complaint. (ECF Nos. 1, 1-1.) The plaintiffs listed on both the IFP application and
15 the complaint are Napoleon Holyfield, Shanta Townsell, and Oliver Norwood. Both documents
16 are signed only by Napoleon Holyfield. In addition, the only address provided is by Napoleon
17 Holyfield.

18 The Local Rules of Practice for the District of Nevada provide: “Any person who is
19 unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma*
20 *pauperis* (IFP). The application must be made on the form provided by the court and must
21 include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1.

22 *Each* plaintiff needs to file his or her own IFP application. Therefore, the pending IFP
23 application (ECF No. 1) is **DENIED WITHOUT PREJUDICE** since it purports to be made on
behalf of each plaintiff but is only signed by Holyfield.

1 Within **14 days** of the date of this Order, Plaintiffs shall file updated contact information
2 for *each plaintiff*. If this is not timely done, the court will recommend dismissal of this action
3 without prejudice. LR IA 3-1.

4 Once contact information is provided for *each plaintiff*, the court will direct the Clerk to
5 send *each plaintiff* a copy of the instructions and application to proceed IFP for a non-prisoner
6 and will provide a deadline for Plaintiffs to file their IFP applications or pay the full filing fee.

7 Finally, the court notes that a complaint was filed (ECF No. 1-1), and on September 8,
8 2023, an “amended petition” was filed to clarify that the defendants acted under color of state
9 law. (ECF No. 3.) An amended complaint, however, must be complete in and of itself without
10 referring or incorporating by reference any previous complaint. Plaintiff’s amended petition is
11 not complete in and of itself. Therefore, the court shall **STRIKE** the amended petition (ECF No.
12 3).

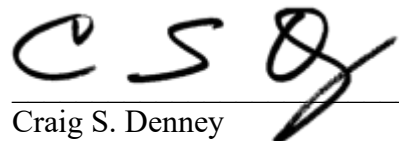
13 Within **30 days** of the date of this Order, Plaintiffs shall file an amended complaint which
14 is complete in and of itself without referring or incorporating by reference any previous
15 complaint. Any allegations, parties, or requests for relief from a prior complaint that are not
16 carried forwarded in the amended complaint are no longer be before the court. Plaintiffs shall
17 clearly title the amended pleading as “AMENDED COMPLAINT.” If Plaintiffs fail to file an
18 amended complaint within the 30 days, the action will proceed on the original complaint (once
19 an IFP application is filed on behalf of each plaintiff or the full filing fee is paid). The amended
20 complaint must be signed by each plaintiff. If an amended complaint is not filed, and the
21 plaintiffs wish to proceed on the original complaint, also within 30 days, they must submit a
22 version of the original complaint that is signed by *each of the plaintiffs*. If a complaint is not filed
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1 that is signed by *each plaintiff*, the court will recommend dismissal of this action without
2 prejudice.

3 If and when the completed IFP applications are filed, the court will screen the operative
4 pleading under 28 U.S.C. § 1915(e)(2)(B), which requires dismissal of a complaint, or any
5 portion thereof, that is frivolous or malicious, fails to state a claim upon which relief may be
6 granted, or seeks monetary relief against a defendant who is immune from such relief.

7 **IT IS SO ORDERED.**

8 Dated: September 14, 2023

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10 Craig S. Denney
11 United States Magistrate Judge
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